IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 8567 OF 2005
IN
CRIMINAL APPEAL NO. 1324 OF 2004

1. Afzal Abdul Hamid and anr. .. Applicants
(Org.Accd.Nos.3 & 4)

Vs.

The State of Maharashtra .. Respondent

Mr. M.A. H. Solkar for applicants.
Mr. F.R. Shaikh, APP for Respondent-State.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : February 13, 2006.

P.C.:

1. The applicants are the convicts in Sessions Case No.643 of 1998 and they are presently undergoing sentence. Criminal Appeal No.1324 of 2004 against the said order of conviction and sentence has been admitted by this court on 23/12/2004 and hence this application for being released on bail during the pendency of the appeal.

2. We have heard Mr. Solkar, the learned counsel for the applicants and perused the oral depositions of P.W.19, P.W.7, P.W.34, P.W.37, P.W.42 and P.W.43. Having regards to the reasoning set out in the order of conviction and sentence so far it relates to the

present applicants, we are satisfied that there is no case made out to release the applicants on bail by suspending the order of sentence under Section 389 of Cr.P.C. Hence the application is hereby rejected.

3. The applicants and the other co-accused are at liberty to submit a private paper book which could be certified by the trial court or the Registry of this court. In addition, the Sessions Court concerned is hereby directed to expedite the paper book. Liberty to apply for fixing early date of hearing after the paper book is ready.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**